

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNIVERSITAS EDUCATION, LLC,

Petitioner,

-v-

Nos. 11 Civ. 1590 (LTS) (HBP)
and
11 Civ. 8726 (LTS) (HBP)

NOVA GROUP, INC., as trustee, sponsor and
fiduciary of THE CHARTER OAK TRUST
WELFARE BENEFIT PLAN,

Respondent.

MOTION FOR RECONSIDERATION

Respondents Carpenter Financial Group, Inc. ("CFG"), Avon Capital, LLC ("Avon"), Hanover Trust Company ("Hanover") and Phoenix Capital Management, LLC ("Phoenix") (collectively "Respondents") hereby respectfully give notice and move for reconsideration of the Court's August 7, 2014 Memorandum Opinion and Order ("Memorandum") entering judgment against them and in favor of Petitioner, Universitas Education, LLC ("Universitas").

Specifically, Respondents urge the Court to reconsider whether service of process was properly made upon them. Documents attached to the accompanying memorandum of law as Exh. A demonstrate that CFG, Hanover and Phoenix were not represented by counsel when Petitioner attempted to serve its turnover motion by emailing it to those counsel. Accordingly, no proper service was made and the Court should reconsider its conclusion to the contrary.

Also, Respondents submit that the Court should reconsider its conclusion that nearly every court to consider the question has determined that a turnover proceeding may be instituted by motion rather than service of process in an entirely new action. Because the only case law

submitted to the Court that actually considers the jurisdictional question is contrary to the Court's conclusion, reconsideration is warranted.

Finally, Respondents request that the Court reconsider its conclusions with respect to the propriety of certain transfers between Charter Oak Trust and Grist Mill Capital. In its decisions, the Court has held that certain claims were supported only by the testimony of Daniel Carpenter. In fact, the Court has been provided with several documents supporting Mr. Carpenter's testimony. Accordingly, Respondents urge the Court to reconsider its conclusions based on that documentary evidence.

A memorandum of law, the affidavit of Michael S. Taylor and a copy of certain emails produced by counsel for Petitioner (Exh. A) are submitted in support of this motion.

WHEREFORE, Respondents respectfully urge that the Court reconsider its decision.

Dated: September 9, 2014

Respectfully Submitted,
Carpenter Financial Group, Inc.
Avon Capital, LLC
Hanover Trust Company
Phoenix Capital Management, LLC

by 

Michael S. Taylor
The Law Office of Michael S. Taylor, LLC
PO Box 7
Harwinton, CT 06791
Telephone: (860) 782-0024
Fax: (860) 866-2424
Email: michael@mstaylorlaw.com